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VIA ECF

Honorable Colleen McMahon
Chief Judge, United States District Court
Southern District of New York
500 Pearl Street, Room 2550
New York, NY 10007

RE: *J M Smith Drug Corp. v. AstraZeneca Pharmaceuticals LP, et al.*, No. 1:19-cv-07233-CM-SLC

Dear Judge McMahon:

I represent the direct purchaser class plaintiffs in the above-captioned litigation and write with respect to a related direct purchaser litigation assigned to this Court, *KPH Healthcare Services, Inc. v. AstraZeneca Pharmaceuticals, LP, et al.*, No. 1:20-cv-01096.

We learned of this case just today. The *KPH Healthcare* complaint was filed on February 7, 2020, (*see* ECF No. 1 at No. 20-1096), and is largely identical to the J M Smith complaint filed in August 2019. Yet, counsel for KPH did not mark its complaint as a related action. *See* ECF No. 2 at No. 20-1096 (Civil Cover Sheet). It appears that more than a month later counsel for KPH filed a Statement of Relatedness, (*see* ECF No. 21 at No. 20-1096), but no service of that document was made on J M Smith or its lawyers.

It appears that counsel for KPH then moved for the appointment of Dianne M. Nast as Interim Lead Counsel for the direct purchaser class, (*see* ECF No. 48 at No. 20-1096), but this was not served on J M Smith or its counsel, either, even though KPH's motion acknowledged that J M Smith had previously filed a motion for the appointment of Garwin Gerstein & Fisher as Interim Lead Counsel for the direct purchaser class in September 2019.

It was fortuitous that a docket search performed today turned up the *KPH Healthcare* case. We now seek the Court's directive. Should the Court desire counsel for J M Smith to submit a response to KPH's lead counsel appointment motion, or a formal motion for consolidation of all direct purchaser cases, counsel will do so.

GARWIN
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& FISHER^{LLP}

Respectfully submitted,

/s/ Kimberly Hennings

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